

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 6, 2002

IN RE:

**COMPLAINT OF AENEAS COMMUNICATIONS
AGAINST CITIZENS COMMUNICATIONS IN
WEAKLEY COUNTY, TENNESSEE**

)
)
)
)
)

**DOCKET NO.
02-00438**

ORDER GRANTING PETITIONS TO INTERVENE

This matter is before the Tennessee Regulatory Authority (the "Authority" or the "TRA") upon the formal complaint of Aeneas Communications ("Aeneas") against Citizens Communications ("Citizens") of Weakley County, Tennessee. At a regularly scheduled Authority Conference held on April 30, 2002, the Authority convened a contested case in this matter and appointed the General Counsel or his designee to act as Hearing Officer in this proceeding to make findings of fact and conclusions of law, as necessary, and to render an initial decision on the merits of the complaint.

Aeneas claims that Citizens' customers in Martin, Tennessee are unable to complete calls to an Internet service provider in Greenfield, Tennessee that is a customer of Aeneas. Aeneas states that since these calls are originated and terminated in Weakley County, the calls should be sent to Aeneas' switch for delivery to its customers and should be toll free. Citizens states that its customers' calls to the BellSouth Greenfield Central Office are transported over Citizens' Extended Area Service trunks. Citizens contends that this is the proper method for routing local

traffic between the Martin and Greenfield central offices. Citizens further states that it is handling calls to Aeneas' customers in the same manner as it handles calls between its own customers.

On June 14, 2002, US LEC of Tennessee, Inc. ("US LEC") filed a *Petition to Intervene* in this matter. US LEC's *Petition to Intervene* states that US LEC is a competitive local exchange carrier certified by the Authority to offer intrastate telecommunications services in Tennessee. US LEC further states that the legal rights, duties, privileges, immunities, or other legal interests of US LEC may be affected or determined by the outcome of this proceeding.

Also on June 14, 2002, the Southeastern Competitive Carriers Association ("SECCA") filed a *Petition to Intervene* in this matter. SECCA's *Petition to Intervene* states that SECCA is an association composed of competitive telecommunications carriers, including local exchange carriers, many of whom operate or intend to operate in both rural and non-rural areas of Tennessee. SECCA also states that the legal rights, duties, privileges, immunities, or other legal interests of its members may be affected or determined by the outcome of this proceeding.

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

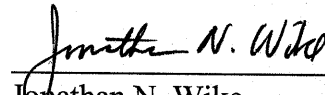
(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Discussion

Both US LEC's *Petition to Intervene* and SECCA's *Petition to Intervene* were timely filed and served and substantiated that the legal interests of the intervener may be determined in this matter. Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants US LEC's *Petition to Intervene* and SECCA's *Petition to Intervene*. The Hearing Officer finds that the legal rights, duties, privileges, immunities or other legal interests of US LEC and the members of SECCA may be determined in the proceeding. No person has filed an objection to either *Petition to Intervene*.

IT IS THEREFORE ORDERED THAT:

US LEC of Tennessee, Inc. and the Southeastern Competitive Carriers Association are hereby given leave to intervene and receive copies of any notices, orders or other documents herein.



Jonathan N. Wike
Hearing Officer